



City of NORFOLK

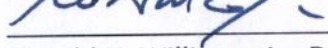
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

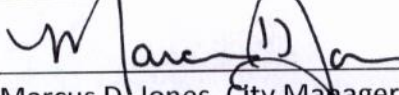
April 12, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate a Used Merchandise Establishment at 953 N. Newtown Road – NSJ Foundation**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-5**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate a Used Merchandise Sales establishment.
- IV. **Applicant:** NSJ Foundation
- V. **Description:**
 - The site is located along N. Newtown Road near the corner of N. Newtown Road and East Virginia Beach Boulevard, adjacent to the City of Virginia Beach.
 - The application proposes to operate a used merchandise sales establishment on a parcel currently developed with one single-family home.

	Proposed
Hours of Operation	9:00 a.m. to 8:00 p.m., Monday through Friday 9:00 a.m. to 6:30 p.m., Saturday Closed Sunday

- VI. **Historic Resources Impacts:**

The building located on this site is eligible for historic designation, but is not located within any historic district.

VII. Public Schools Impacts:

This site is located in the Fairlawn Elementary School, the Lake Taylor Middle School and Booker T. Washington High School districts.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated March 24, 2016 with attachments
- Letters of support
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: March 24, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	Item No. C - 1	
Address	953 N. Newtown Road	
Applicant	NSJ Foundation	
Requests	Special Exceptions	Used Merchandise Sales
Property Owner	Sts John A.M.E Church Trust	
Site Characteristics	Site/Building Area	40,111 sq. ft./1,350 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Smitty's Mobile Home Park
	Character District	Suburban
Surrounding Area	North	C-2: Unity Mason Lodge 93
	East	City of Virginia Beach; Retail Shopping Strip
	South	MHP (Mobile Home Park): Mobile Homes
	West	C-4 (Large Scale Commercial District): St. John A.M.E cemetery; parking lot



A. Summary of Request

- This application was continued from the February public hearing in order to allow the applicant more time to meet with the Newtown South Civic League.
- The site is located along N. Newtown Road near the corner of N. Newtown Road and East Virginia Beach Boulevard, adjacent to the City of Virginia Beach.
- The application proposes to operate a used merchandise sales establishment on a parcel currently developed with one single-family home.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is located in the C-2 district, which permits the proposed use by special exception.

	Proposed
Hours of Operation	9:00 a.m. to 8:00 p.m. Monday through Friday 9:00 a.m. to 6:30 p.m. on Saturday Closed Sunday

ii. Parking

- The site is located in the Suburban Character District, which requires on parking space per 250 square feet of enclosed building area for a commercial use.
- The 1,350 square-foot proposed space must provide 6 parking spaces.
 - The proposed parking lot will provide 6 parking spaces.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that that this proposed use will generate 48 new vehicle trips per day.
- Based upon ITE data, the existing residential dwelling on this site would be expected to generate 10 weekday trips while the proposed new retail use would be expected to generate 58 trips on weekdays.
- N. Newtown Road adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The building located on this site is eligible for historic designation, but is not located within any historic district.

F. Public Schools Impacts

The site is located in the Fairlawn Elementary School, the Lake Taylor Middle School and Booker T. Washington High School districts.

G. Environmental Impacts

- The development of the parking lot will undergo the Site Plan Review process in order to make improvements to stormwater management, parking, and landscaping.
- There were two calls for service made for this site over the past year, with no arrests made.

H. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the proposed used merchandise sales establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

- Notice was sent to the Newtown South Civic League and Maple Hall/Hollywood Homes Civic League on January 13th.
- Letter of No Opposition from the Maple Hall/Hollywood Homes Civic League was received on January 18
- A letter of support was received from the Newtown South Civic League on March 23.

K. Communication Outreach/Notification

- Legal notice was posted on the property on January 19.
- Letters were mailed to all property owners within 300 feet of the property on February 10.
- Legal notification was placed in *The Virginian-Pilot* on February 11 and 18.
- Notification was sent to the City of Virginia Beach on February 3.

L. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions shown below:

Conditions – Used Merchandise Sales

- (a) The hours of operation shall be from 9:00 a.m. until 8:00 p.m. Monday through Friday, 9:00 a.m. until 6:30 p.m. Saturday, and closed Sunday. No operation of this facility outside of these hours is allowed.

- (b) No merchandise shall be left, dropped off, stored or displayed outdoors.
- (c) There shall be no auctions for the sale of merchandise.
- (d) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (e) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (f) The property shall be kept in a clean and sanitary condition at all times.
- (g) The establishment shall maintain a current, active business license at all times while in operation.

Attachments

Location Map
Zoning Map
1000' radii map of similar establishments and Norfolk Public Schools
Application
Notice to the City of Virginia Beach
Letter of No Opposition – Maple Hall/Hollywood Homes Civic League
Letter of support – Newtown South Civic League

Proponents and Opponents

Proponents


Dr. Orin Gill – Applicant
5501 Rock Creek Lane
Virginia Beach, VA 23462

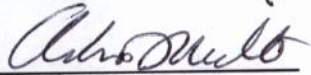
Ford Mason – President, Newtown South Civic League
6612 Stoney Point North
Norfolk, VA 23502

Opponents

None

03/18/2016 lds

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE A USED MERCHANDISE SALES ESTABLISHMENT NAMED "NSJ FOUNDATION" ON PROPERTY LOCATED AT 953 NORTH NEWTOWN ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a used merchandise sales establishment named "NSJ Foundation" on property located at 953 North Newtown Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 160 feet, more or less, along the western line of North Newtown Road beginning 284 feet, more or less, from the southern line of East Virginia Beach Boulevard and extending southwardly; premises numbered 953 North Newtown Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation shall be limited to 9:00 a.m. until 8:00 p.m. Monday through Friday, 9:00 a.m. until 6:30 p.m. on Saturday, and closed Sunday. No operation of this facility outside of these hours is allowed.
- (b) No merchandise shall be left, dropped off, stored or displayed outdoors.
- (c) There shall be no auctions for the sale of merchandise.
- (d) All landscaping installed on the site premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

- (e) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (f) The property shall be kept in a clean and sanitary condition at all times.
- (g) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

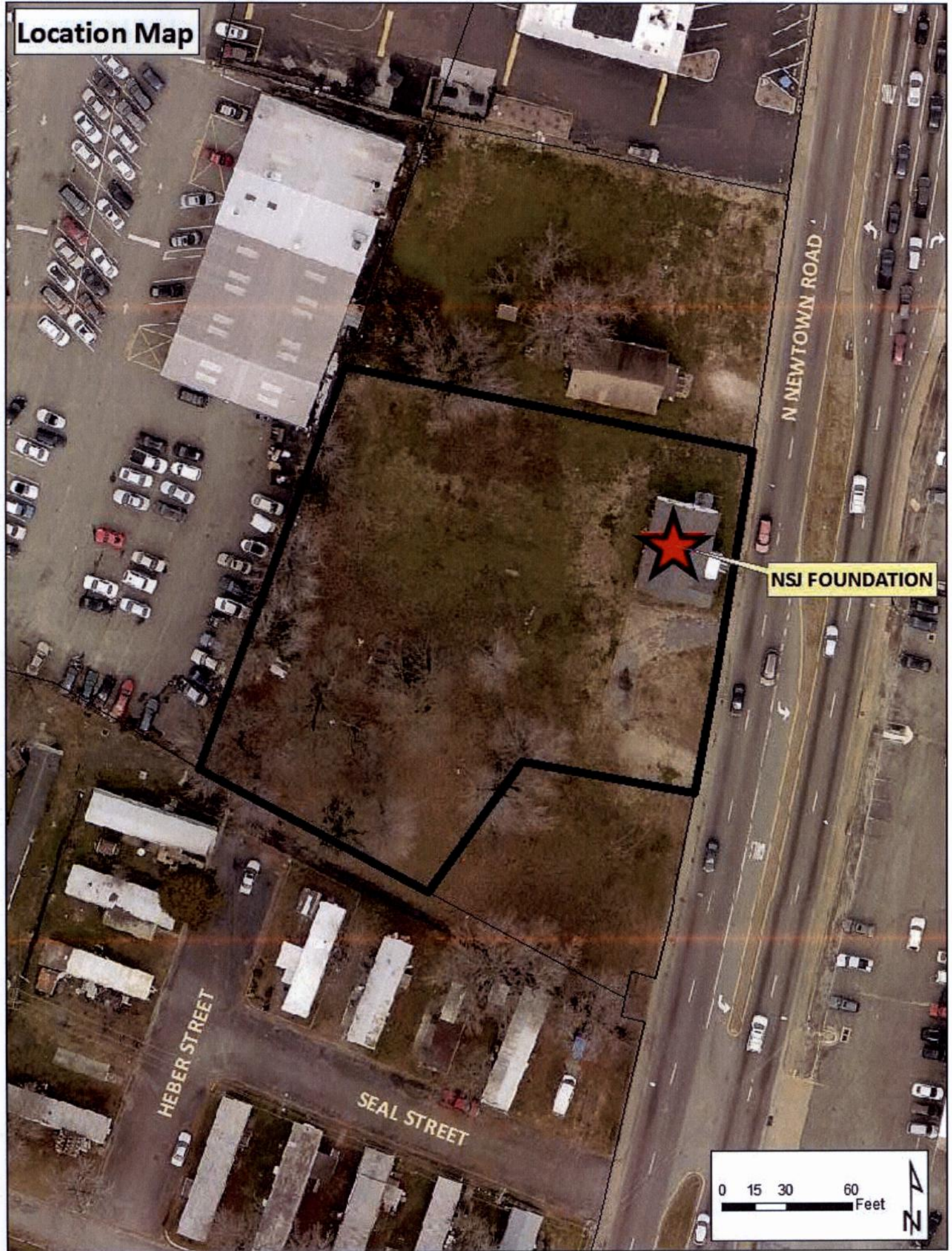
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and

services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

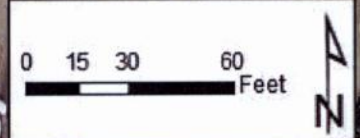
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

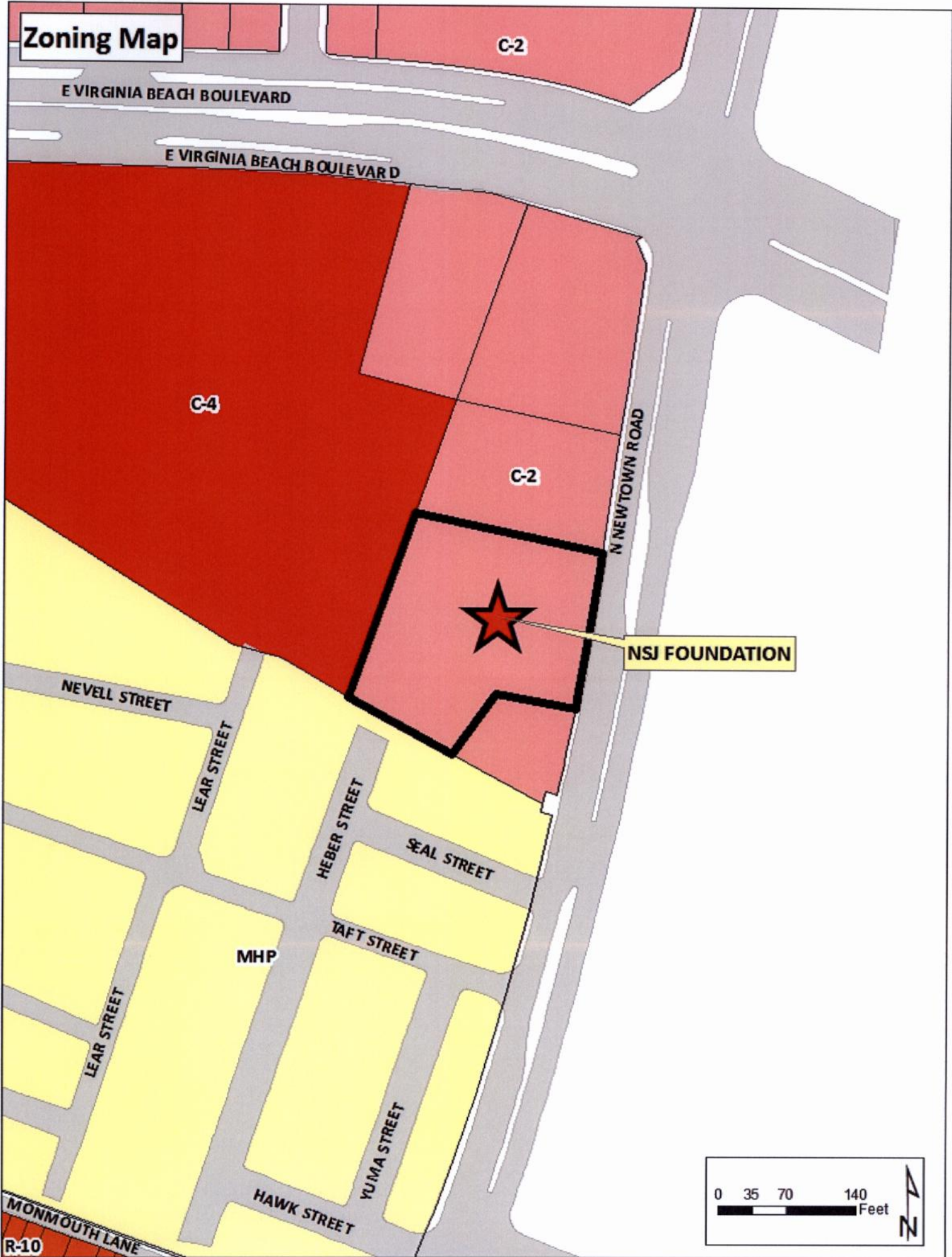
Location Map



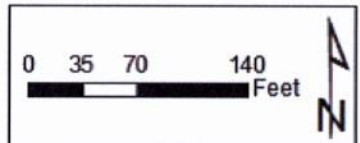
NSJ FOUNDATION



Zoning Map




NSJ FOUNDATION




Use Proximity Map

1000'

NSJ FOUNDATION

Proposed Location

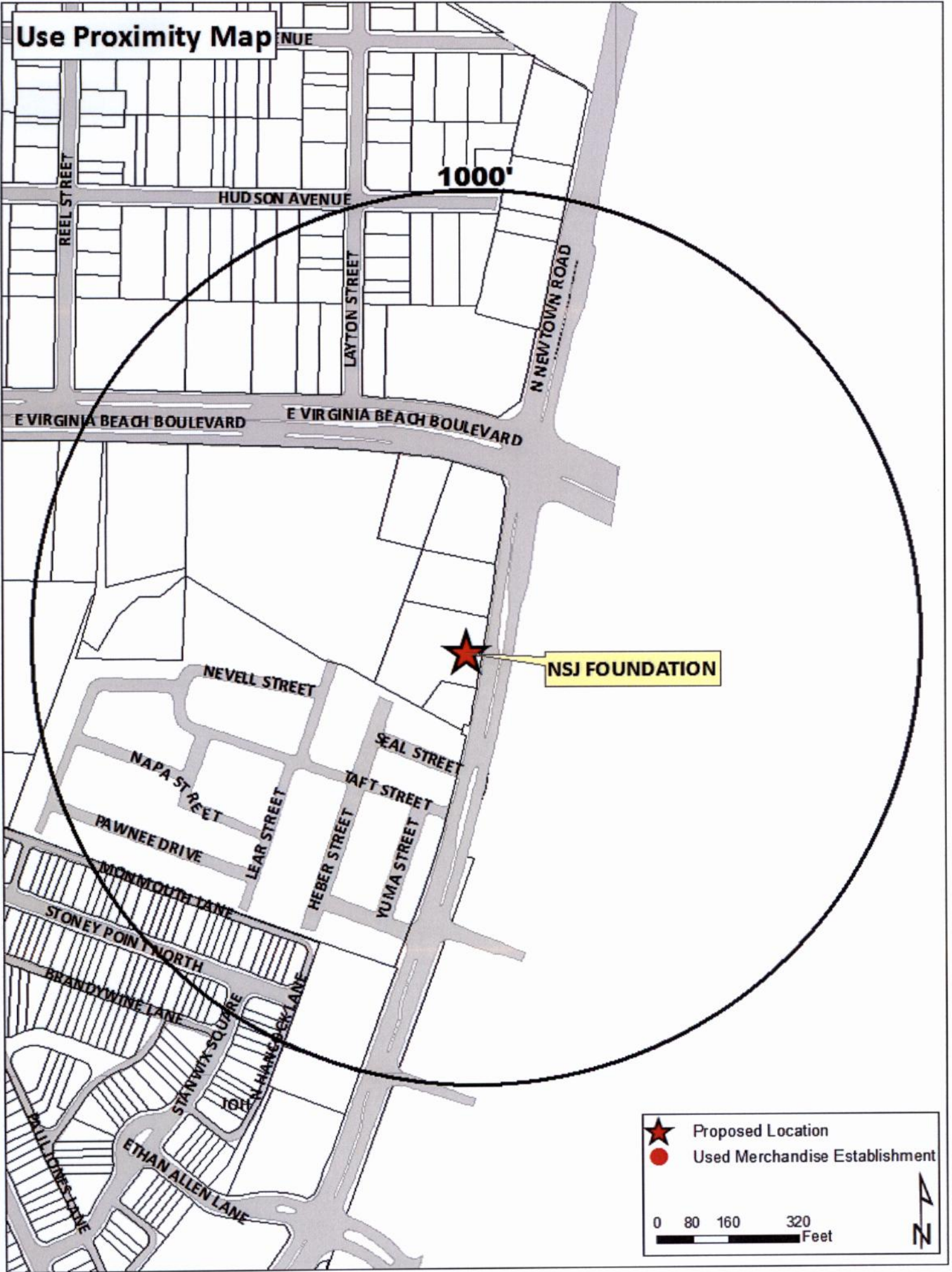
Used Merchandise Establishment

080160320

Feet

N

7





APPLICATION
SPECIAL EXCEPTION

Special Exception for: NSJ Foundation
Used Merchandise

Date of application: 11/13/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 953 (Street Name) Newtown Rd.

Existing Use of Property home

Current Building Square Footage 1,350

Proposed Use Used merchandise sold donated
to non-profit agency.

~~Proposed Square Footage~~ _____

Proposed Hours of Operation:

Weekday From 9:00am To 8:00pm

Friday From 9:00am To 8:30pm

Saturday From 9:00am To 6:30pm

Sunday From Closed To Closed

Trade Name of Business (If applicable) NSJ Foundation

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Application
Special Exception
Page 2

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) G. II (First) Wanda (MI) L

Mailing address of applicant (Street/P.O. Box): 5501 Rock Creek Lane

(City) Va Beach (State) VA (Zip Code) 23462

Daytime telephone number of applicant (757) 496-7899 Fax (757) 499-7936

E-mail address of applicant: drwanda777@yahoo.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) _____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant () _____ Fax () _____

E-mail address of applicant: _____

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) New St. John A ME Church (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. box): 5501 Rock Creek LN

(City) Va Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 499-7936 email: drwanda777@yahoo.com

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CIVIC LEAGUE INFORMATION

Civic League contact: Newtown South Mason Ford fford0910@cox.net

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

CERTIFICATION:

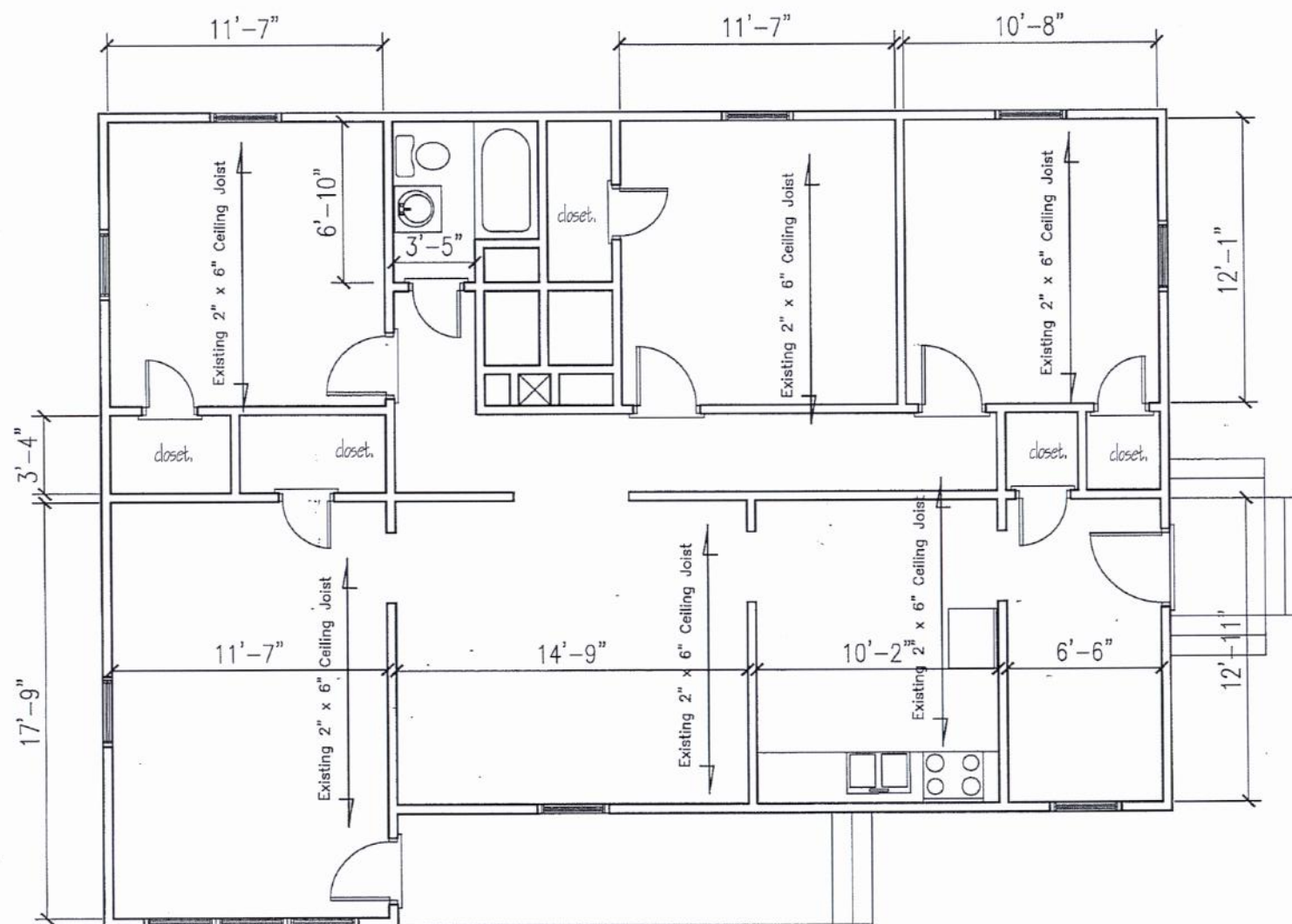
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: New St. John Sign: [Signature] / ____ / ____
(Property Owner) (Date)
AME Church

Print name: De Wanda Gill Sign: [Signature] / ____ / ____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

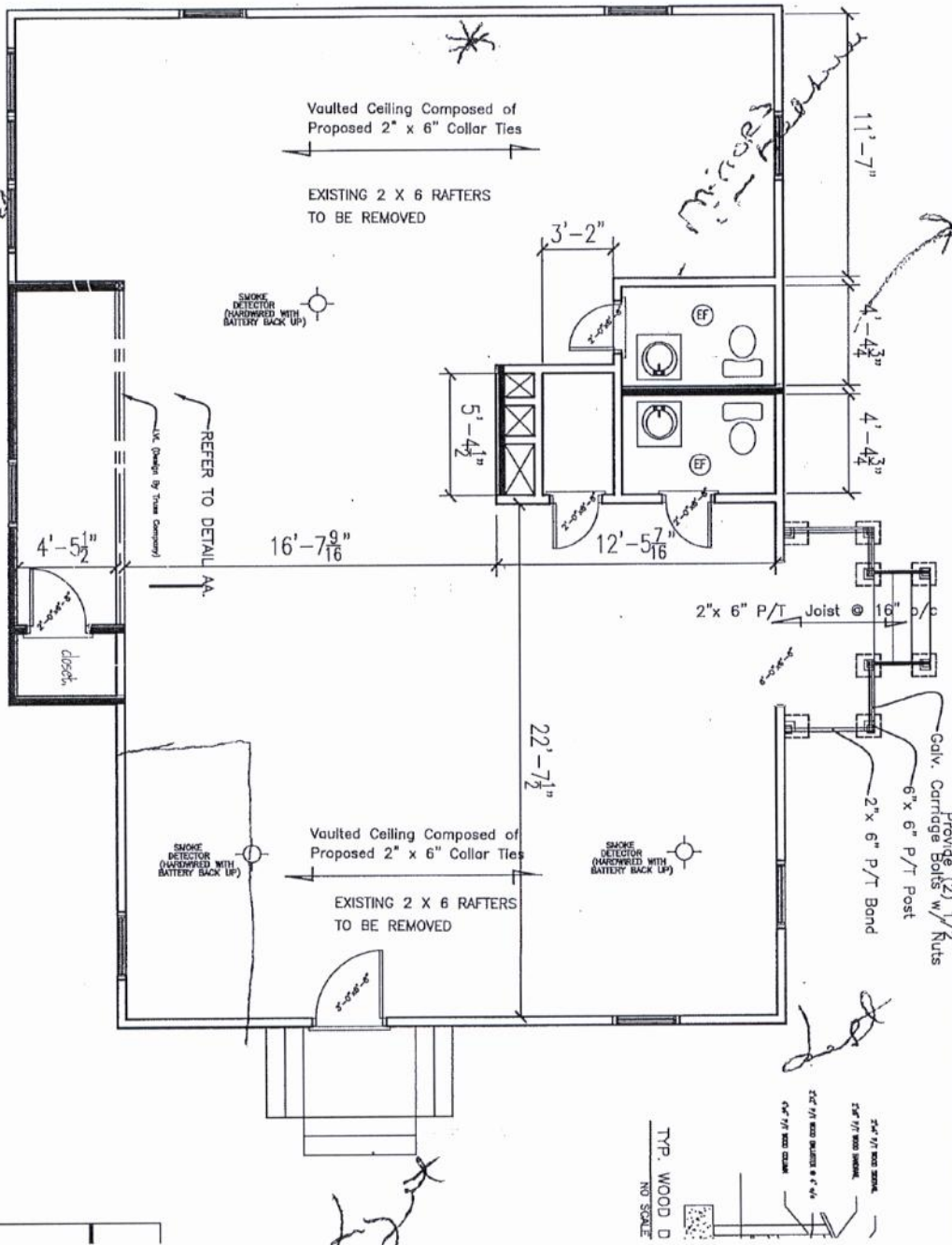
Print name: _____ Sign: _____ / ____ / ____
(Authorized Agent Signature) (Date)



*1/2
bath*

Scale: 1/4" = 1'-0"

Proposed Floor Plan



TYP. WOOD D
NO SCALE

2\"/>

11'-7\"/>

*1 no in
back
door ball*

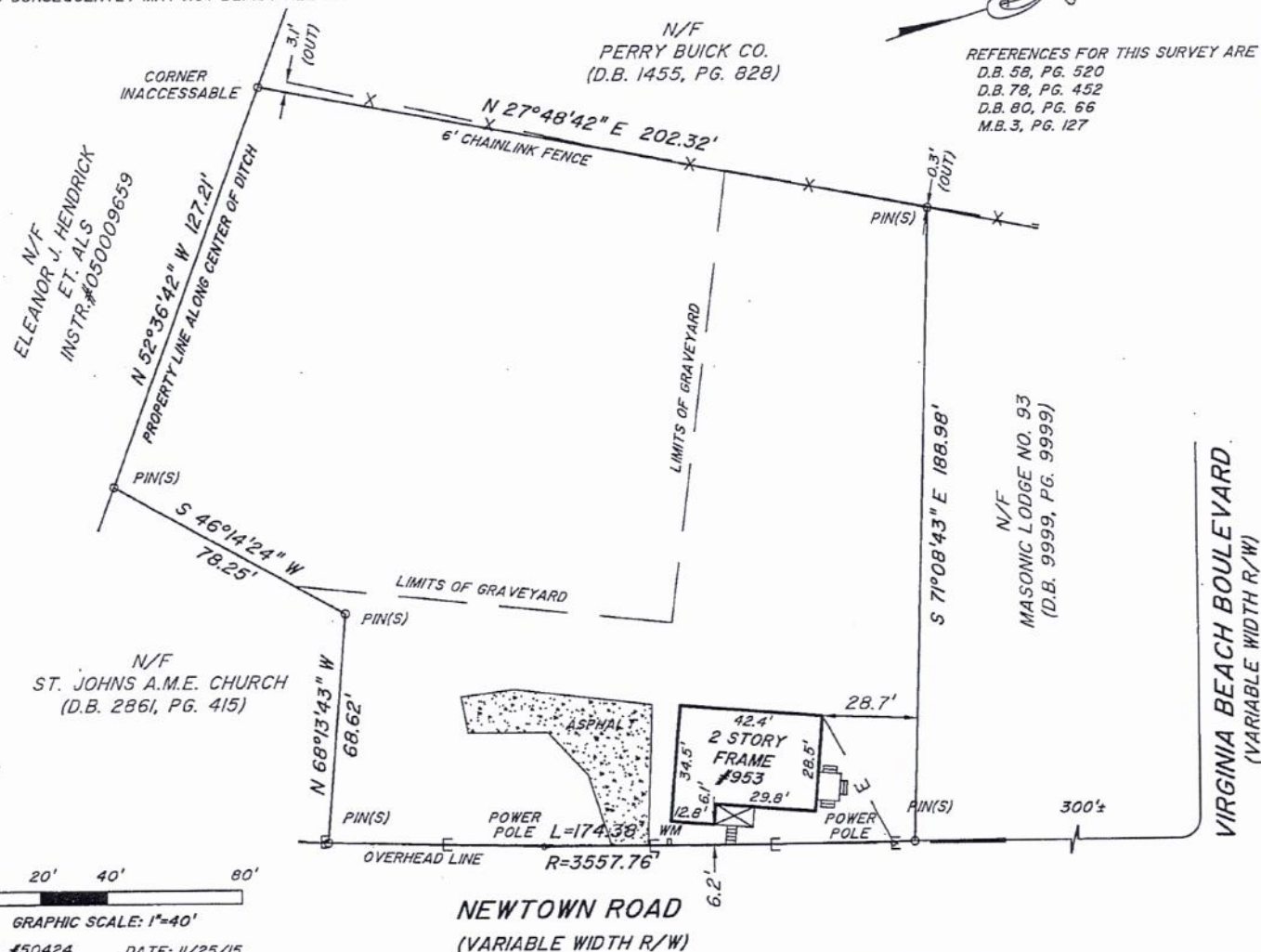
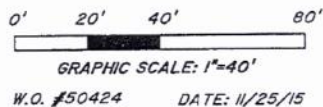
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2-8-88*

SIGNED



PHYSICAL SURVEY
OF
953 NEWTOWN ROAD
NORFOLK, VIRGINIA
FOR
NEW ST. JOHN FOUNDATION

HASSELL & FOLKES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
325 VOLVO PARKWAY
CHESAPEAKE, VIRGINIA 23320
PHONE: (757) 547-9531 FAX: (757) 547-9461
www.hfpc-online.com





February 3, 2016

City of Virginia Beach
Department of Planning and Community Development
Barry Frankenfield
2405 Courthouse Drive, Building 2, Room 115
Virginia Beach, VA 23456

Dear Mr. Frankenfield,

The Norfolk Department of City Planning has recently received an application by **NSJ FOUNDATION**, for a special exception to operate a used merchandise sales establishment at 953 N. Newtown Road, and located within one-half mile of the western corporate boundary of the City of Virginia Beach.

This item is tentatively scheduled for the Norfolk City Planning Commission public hearing to be held on February 25, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia.

If you would like additional information on the request, you may contact applicant, Wanda Gill at (757) 496-7890, drwanda777@yahoo.com, or you may telephone Matt Simons on my staff at (757) 664-4750, matthew.simons@norfolk.gov. A copy of the complete application is enclosed.

This notice is being sent in accordance with the advertising requirements of the Code of Virginia, section 15.2-2204(c); pertaining to certain land use applications involving any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth. Because this notice is within the 10-day period before the scheduled date indicated above, you are asked to acknowledge your acceptance and receipt of this actual notice, in accordance with Virginia Code section 15.2-2204(c), either by signing a copy of this letter or by separate correspondence sent to this office.

Sincerely,

A handwritten signature in blue ink that reads "Leonard M. Newcomb, III".

Leonard M. Newcomb, III, CFM
Department of City Planning
Assistant Director

cc: Matthew Simons, AICP, CZA, CFM (hand-delivered)

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, January 13, 2016 12:39 PM
To: 'ford0910@cox.net'; 'Bruce Erie'
Cc: Riddick, Paul; Williams, Angelia M.; Goldin, Jamie; Blough, Christopher
Subject: new Planning Commission application - 953 Newtown Road
Attachments: NSJ.pdf

Mr. Mason and Mr. Erie,

Attached please find the application for a special exception to operate a used merchandise sales establishment at 953 Newtown Road.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Simons, Matthew

From: Bruce Erie <bruce.erie@cox.net>
Sent: Monday, January 25, 2016 9:44 AM
To: Blough, Christopher
Cc: james wakefield; Simons, Matthew
Subject: 953 Newtown Road property

Good morning sir,

I am the President of the Maple Hall and Hollywood Homes Civic League. I received a notice from Mr. Matthew Simons about the Newtown Road property wanting to make this a thrift store for the church. We have no issue with this matter and wish them success.

Blough, Christopher

From: Bruce Erie <bruce.erie@cox.net>
Sent: Monday, January 18, 2016 10:23 PM
To: Straley, Matthew; Andre Mayounce; Cammy Perez; Darlene/John Long; Hilary (Buzz) Jones; Doug Maume; Dorothy Lancaster; James Wakefield; Jason Thurston; Logan, Jeffrey; Jim Bateman; Laverne Johnson; Lionell Anthony; Mary Kirkpatrick; Rob Delsesto; Steven Turner; Walter/June Carter; Vicky Cartwright; Wanda Montes
Subject: Re: new Planning Commission application - 953 Newtown Road

We have no problem with the location 6352 Virginia Beach Boulevard changing the zoning to C-2 as long as they do what they say about the light, the buffer wall behind buildings, and maintain the property (cut grass on time)

From: Straley, Matthew
Sent: Wednesday, January 13, 2016 12:38 PM
To: ford0910@cox.net ; Bruce Erie
Cc: Riddick, Paul ; Williams, Angelia M. ; Goldin, Jamie ; Blough, Christopher
Subject: new Planning Commission application - 953 Newtown Road

Mr. Mason and Mr. Erie,

Attached please find the application for a special exception to operate a used merchandise sales establishment at 953 Newtown Road.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510
Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

Simons, Matthew

From: ford0910@cox.net
Sent: Wednesday, March 23, 2016 8:01 PM
To: Simons, Matthew
Cc: drwanda777@yahoo.com; Williams, Angelia M.; Riddick, Paul; Goldin, Jamie
Subject: New Planning Commission application - 953 Newtown Road

Matt, The Newtowne South Civic League Board has agreed to allow the special exception for using subject address to sell used merchandise.

Ford Mason
Newtowne South Civic League
President
757-461-3862/408-9710